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| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/21/2022 |
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October 21, 2022

VIA ECF

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, N.Y. 10007-1312

MEMORANDUM ENDORSED

Re: Jason Peters v. The City of New York, et. al., 21 Civ. 8900 (GHW)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York (hereinafter "City") in the above-referenced action. For the reasons set forth herein, defendant writes to respectfully request that the Court adjourn the conference scheduled for October 26, 2022 at 11:00 a.m., to a later time that afternoon or to another date and time convenient to the Court. Plaintiff's counsel consents to the request to reschedule to a later time that afternoon.

By way of background, on October 29, 2021, plaintiff commenced this action by filing the Complaint¹. See Civil Docket ¶¶ 1, 6. Plaintiff alleges that, on July 25, 2020, defendant John Doe #1 tackled him with extreme force causing severe physical pain and that defendant John Doe #2 and defendant Jane Doe #3 unlawfully seized him. See Compl. ¶¶ 1, 34-35, 36-37. Plaintiff further alleges that defendant John Doe #1 approached plaintiff and pointed his baton at his face. See Compl. ¶¶ 40. Plaintiff now brings claims against defendants for, *inter alia*, excessive force, false arrest, and negligent hiring, retention, training, and supervision. On June 14, 2022, defendant filed their Answer. See Civil Docket ¶ 18. On August 11, 2022, the initial pre-trial conference was adjourned to November 14, 2022 for the reasons stated on the record that day. See Civil Docket ¶ 27. On October 17, 2022, a mediation conference was held but was unsuccessful in resolving this case. See Civil Docket ¶ 32. On October 20, 2022, the undersigned received an ECF notification via e-mail that the November 14, 2022 initial pre-trial conference was rescheduled to October 26, 2022 at 11:00 a.m. See Civil Docket ¶ 33.

Defendants seek the instant adjournment as the undersigned is currently scheduled to attend an in-person pre-trial conference in the matter of *Simon v. Cruz et. al.*, 16-CV-1017 (NGG) (RML)

¹ The Complaint was re-filed on November 3, 2021 due to an initial deficient pleading.

in the Eastern District of New York on October 26, 2022 at 10:30 a.m.² It is unclear how long the pre-trial conference in that matter will take.

Accordingly, defendant City respectfully requests that the Court adjourn the conference scheduled for October 26, 2022 at 11:00 a.m. to a later time that afternoon or to another date and time convenient to the Court.

Thank you for your consideration herein.

Respectfully submitted,



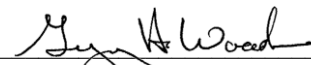
Felix De Jesus
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA ECF**
All attorneys of record

Application granted. The initial pretrial conference previously scheduled for 11:00 a.m. on October 26, 2022, Dkt. No. 33, is hereby rescheduled for 3:30 p.m. on October 26, 2022. The joint status letter and proposed case management plan described in the Court's November 2, 2021 order remain due no later than October 24, 2022. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 35.

SO ORDERED.

Dated: October 21, 2022
New York, New York



GREGORY H. WOODS
United States District Judge

² Although on the docket in the matter of *Simon v. Cruz et. al.*, 16-CV-1017 (NGG) (RML), *see* Civil Docket Electronic Order dated September 7, 2022, the conference was originally scheduled for October 25, 2022 at 2:30 p.m., the conference was adjourned to October 26, 2022 at 10:30 a.m. following an e-mail communication from Courtroom Deputy Joseph Reccoppa on October 17, 2022.